

PROPOSED AMENDMENT

HB 1351 # 1

DIGEST

Regulatory powers of state agencies. Removes provisions that do the following: (1) Void administrative rules, guidelines, policies, or standards that are not specifically authorized by state statute or do not implement a federal requirement. (2) Abrogate a rule of law that an agency has implied authority to adopt reasonable rules and regulations to carry out its statutory responsibilities. (3) Abrogate a rule of statutory construction that an agency's interpretation of a statute is entitled to great weight (to the extent the interpretation conflicts with the standard that agency policies or rules must be specifically authorized by state statute or to implement a federal requirement). Provides that rules, guidelines, standards, or other policies that are not based upon a federal requirement or specific statutory authority may be based upon: (1) the general authority of an agency, subject to limits in the grant of the authority and upon the subject matter; or (2) the power to adopt emergency rules. Allows the office of regulatory accountability, upon request by a member of the general assembly, to review proposed and adopted guidelines, standards, or policies for compliance with regulatory goals specified by the general assembly. Provides that an agency's statutory authority to regulate and implement programs does not include rulemaking or policymaking authority that is not based upon a federal requirement or that exceeds the authority granted to a federal or state agency under federal statutory authority.

- 1 Page 1, delete lines 10 through 12.
- 2 Page 1, line 13, delete "3." and insert "2."
- 3 Page 1, line 15, delete "4." and insert "3."
- 4 Page 1, line 15, delete "specifically authorized by statute," and insert
- 5 **"provided in section 4 of this chapter,"**
- 6 Page 2, delete lines 8 through 27, begin a new line block indented
- 7 and insert:
- 8 **"(1) is not based upon a federal requirement;**
- 9 **(2) exceeds the authority granted to a federal or state agency**
- 10 **under federal statutory authority; or**
- 11 **(3) is not specifically authorized by state statute.**
- 12 **Sec. 4. The adoption of rules, guidelines, standards, or other**
- 13 **policies that are not based upon a federal requirement or specific**
- 14 **statutory authority may be based upon:**
- 15 **(1) the general authority of an agency subject to any limits:**
- 16 **(A) in the grant of the authority; and**
- 17 **(B) upon the subject matter; or**
- 18 **(2) the power to adopt emergency rules in the manner**

1 **provided under IC 4-22-2-37.1."**

2 Page 2, delete lines 35 through 42, begin a new paragraph and
3 insert:

4 **"(c) The office:**

5 **(1) shall review:**

6 **(A) each proposed and emergency rule submitted for**
7 **publication in the Indiana Register; and**

8 **(B) each adopted rule submitted to the attorney general**
9 **under IC 4-22-2-31 or IC 4-22-2-40; and**

10 **(2) may review, upon request by a member of the general**
11 **assembly, each proposed and adopted guideline, standard, or**
12 **other policy;**

13 **for compliance with the standards in IC 1-1-15 and IC 4-22-2-19.5.**

14 **The office may carry out other duties as assigned by the legislative**
15 **council or the executive director of the legislative services agency."**

16 Page 3, line 7, delete "rule" and insert "**rule, guideline, standard,**
17 **or other policy"**.

18 Page 3, line 9, delete "rule" and insert "**rule, guideline, standard,**
19 **or other policy"**.

20 Page 3, line 17, after "rules," insert "**guidelines, standards, or**
21 **other policies,"**.

22 Page 3, line 21, after delete "rule" and insert "**rule, guideline,**
23 **standard, or other policy"**.

24 Page 3, line 22, delete "IC 1-1-15-6" and insert "**IC 1-1-15"**.

25 Page 3, line 23, delete "rule" and insert "**rule, guideline, standard,**
26 **or other policy"**.

27 Page 3, line 23, delete "IC 1-1-15-6" and insert "**IC 1-1-15"**.

(Reference is to HB 1351 as introduced.)